

REMARKS

This response is submitted in reply to the Office Action dated June 18, 2004. Claim 1-24 are pending in the patent application. Claims 1, 13, 16, 19 and 22 have been amended. New claims 25-59 have been added. No new matter has been added by any of the amendments made herein. An Information Disclosure Statement is submitted herewith. Additionally, a certified copy of Australian application PS-3108 is submitted herewith.

Claims 1 through 4, 8, 10, 11, 12, 13, 17, 19, 20, 21, 22, 23 and 24 were rejected under 35 U.S.C. §102(b). Claims through 7, 9, 14-16 and 18 were objected to as being dependent upon a rejected base claim. Applicant respectfully submits, for at least the reasons set forth below, that the rejections have been overcome or are improper. Accordingly, Applicant respectfully requests reconsideration of the patentability of claims 1-24 and further submits that new claims 25-59 are patentable in view of the cited art.

The Office Action states that Applicant must file a certified copy of the Australian application as required by 35 U.S.C. §119(b). As stated above, Applicant has submitted a certified copy of Australian application PS-3108 with this response.

Claims 1 through 4, 8, 10, 11, 12, 13, 17, 19, 20, 21, 22, 23 and 24 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,586,839 to Gillespie ("Gillespie"). Applicant respectfully disagrees with and traverses this rejection because Gillespie does not disclose all of the elements of claims 1-24.

Gillespie is directed to a yieldable cable bolt constructed of one or more multi-strand steel cables that form the bolt shaft. (See the Abstract). The yield is effected by the cable enlarged section 24 being pulled through the bolt head sleeve 18 which causes the sleeve and cable enlarged section to deform. (See the Abstract; Col. 3, lines 35-46). Contrary to the claimed invention, the cable bolt of Gillespie performs yielding at the trailing end of the bolt (i.e., the end including the nut 22) and not along the length of the cable as in the claimed invention.

Moreover, the cable bolt of Gillespie includes anchor sleeves 62, which are attached to the bolt shaft at various points along the cable to enhance the resin adhesive to retain the cable bolt within the bore hole (Col. 8, lines 29-41). The anchor sleeves 62, however, do not slip along the cable under tension (Col. 9, lines 1-4). Accordingly, the yielding characteristics of the

cable bolt of Gillespie occurs at the trailing end of the cable bolt (i.e., adjacent to the nut 22) and not along the length of the cable (i.e., relative to the grout slippage means or tube 8) as in the claimed invention.

Gillespie also describes an embodiment of the bolt which includes a yieldable grout compactor 66 mounted on a bolt shaft 2. The compactor 66 operates to travel along the shaft as the grout is installed into the shaft by allowing only air to pass the compactor 66 as it compacts the grout during the grout installation process. (Col. 9, lines 23-37). Compactor 66 itself does not contribute to the mechanical strength of the arrangement and does not yield or slip under a stress or load. Therefore, the compactor 66 does not teach or suggest the grout slippage means such as the plastic tube 8 of the claimed invention.

Accordingly, Gillespie does not disclose, teach or suggest the elements of amended claim 1. Additionally, claims 13, 19 and 22 include certain similar elements to amended claim 1. Therefore, claims 1, 13, 19 and 22, as well as claims 2-12, 14-18, 20-21 and 23-24, which depend from these claims, respectively, are each patentably distinguished over Gillespie and are in condition for allowance.

The Office Action states that claims 5-7, 9, 14-16 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has rewritten the objected claims as follows to place the objected claims in condition for allowance.

New claim 25 includes the elements of independent claim 1, claim 4 and objected claim 5. New claims 26-34 depend from new claim 25.

New claim 35 includes the elements of independent claim 1 and objected claim 7. New claims 36-45 depend from new claim 35.

New claim 46 includes the elements of independent claim 13 and objected claim 14. New claims 47-49 depend from new claim 46.

New claim 50 includes the elements of independent claim 13 and objected claim 16. New claims 51-54 depend from new claim 50.

New claim 55 includes the elements of independent claim 13 and objected claim 18. New claims 56-59 depend from new claim 55.

In light of the above, Applicant respectfully submits that claims 1-24 and new claims 25-59 are patentable over the art of record because the cited art does not disclose, teach or suggest all of the elements of these claims. Accordingly, Applicant respectfully requests that claims 1-59 be deemed allowable at this time and that a timely notice of allowance be issued in this case.

Applicant acknowledges that a two-month extension of time is due in connection with this response. A check in the amount of \$1680.00 is enclosed herewith to cover the fees for the two-month extension, the information disclosure statement and the new claims. If any other fees are due in connection with this application as a whole, the Patent Office is authorized to deduct such fees from Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the attorney docket number (114663-006) on the account statement.

Respectfully submitted,

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